

**ORIGINAL**

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**FILED**  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF LOS ANGELES

SEP 07 2012

John A. Clarke, Executive Officer/Clerk  
 BY *[Signature]* Deputy  
 Istaylia Chambers

CCW307 William F. Highberger  
 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 IN AND FOR THE COUNTY OF LOS ANGELES

BC491048

10 MICHELE PELTER INDIVIDUALLY AND  
 11 AS SPECIAL ADMINISTRATOR OF THE  
 12 ESTATE OF PAULA ROJESKI,

13 Plaintiff,

14 v.

15 1-800-GET-THIN, LLC; KAMBIZ  
 16 BENIAMIA OMIDI, aka JULIAN OMIDI an  
 17 individual; MICHAEL OMIDI, M.D., an  
 18 individual; CINDY OMIDI, an individual,  
 19 together jointly doing business as VALLEY  
 20 SURGICAL CENTER; VALLEY SURGICAL  
 21 CENTER; DR. DEMING CHAU; DR.  
 22 JULIUS GEE; DR. C. CHINN; and DOES 1  
 23 through 100, inclusive,

24 Defendants.

Case No.

**COMPLAINT**  
 (Breach of Medical and Professional  
 Obligations; Wrongful Death; Fraud and  
 Concealment)

BY FAX

25 COMES NOW, the plaintiff, Michele Pelter individually and as Special Administrator of the  
 26 Estate of Paula Rojas, and for their causes of action against defendants, and each of them, alleges as  
 27 follows:

**FIRST CAUSE OF ACTION**  
 (Against All Defendants Herein For  
 Breach Of Medical Professional Obligation)

- 28 1. Plaintiff Michele Pelter is the sister and sole surviving heir of plaintiff's decedent Paula Rojas.
2. The true names of defendants DOES 1 through 100, and each of them, are unknown to Plaintiff, who therefore sues these defendants by such fictitious names, pursuant to Code of Civil Procedure section 387.

CIT/CASE: BC491048 LEA/DEF#:  
 RECEIPT #: CCH3917856  
 DATE PAID: 09/07/12 04:31:19 PM  
 PAYMENT: \$1,435.00  
 RECEIVED:  
 CHECK: 1,435.00  
 CASH:  
 CHANGE:  
 CARD:

1 474, and will ask leave of court to amend this complaint when such names have been ascertained;  
2 that plaintiff upon information and belief allege that each defendant, designated herein as "DOE,"  
3 was responsible negligently, or in some other actionable manner, for events which legally caused  
4 injury to plaintiff and plaintiff's decedent, under legal theories which include, but are not limited to,  
5 absolute liability, product liability, strict liability in tort, negligence, breach of express and/or implied  
6 warranties of merchantability, and/or fitness, recklessness, wantonness, wilfulness; that although the  
7 identity of said DOE defendants may be known to plaintiff, at the time of filing of this complaint,  
8 plaintiff is ignorant of the facts constituting a cause of action against said DOE defendants.

9 3. At all times herein mentioned, defendants, and each of them, may have been the agents, servants,  
10 employees, assistants, consultants and the like of their co-defendants, and were, as such, acting  
11 within the course and scope of such agency; that each and every defendant was negligent in the  
12 selection, hiring, monitoring, supervising, and continued employing of each and every other  
13 defendant as an agent, servant, employee, assistant and consultant or medical staff member.

14 4. At all times herein mentioned, defendants Dr. Deming Chau; Dr. Julius Gee; Dr. C. Chinn; Dr.  
15 Michael Omid and DOES 1 through 20, and each of them, were and now are physicians and  
16 surgeons licensed by the State of California to practice medicine and surgery in said state.

17 5. At all times herein mentioned, defendants Dr. Deming Chau; Dr. Julius Gee; Dr. C. Chinn; Julian  
18 Omid; Michael Omid, M.D.; Cindy Omid and DOES 1 through 20, and each of them, practiced  
19 as officers, employees, or agents of defendant DOES 20 through 30, and each of them, a partnership,  
20 association or corporation doing business in the State of California.

21 6. At all times herein mentioned, defendants 1-800-GET-THIN, LLC; Kambiz Beniamia Omid, Aka  
22 Julian Omid an individual; Michael Omid, M.D., an individual; Cindy Omid, an individual,  
23 together jointly doing business as Valley Surgical Center; Valley Surgical Center and DOES 31  
24 through 40, and each of them, were and are authorized and licensed to conduct surgery center  
25 business in the County of Los Angeles, State of California, to which surgery center members of the  
26 public were permitted as patients, including the plaintiff's decedent, Paula Rojas.

27 7. At all times herein mentioned, defendant 1-800-GET-THIN, LLC; Kambiz Beniamia Omid, Aka  
28 Julian Omid an individual; Michael Omid, M.D., an individual; Cindy Omid, an individual,

1 together jointly doing business as Valley Surgical Center; Valley Surgical Center and DOES 41  
2 through 50, and each of them are in the business of selling and coordinating medical and surgical  
3 procedures including lap band procedures. Further 1-800-GET-THIN, LLC; Kambiz Beniamia  
4 Omid, Aka Julian Omid an individual; Michael Omid, M.D., an individual; Cindy Omid, an  
5 individual, together jointly doing business as Valley Surgical Center; Valley Surgical Center and  
6 DOES 41 through 50 contracted with plaintiff's decedent and agreed to schedule, coordinate and  
7 provide her medical care regarding a lap band procedure and further, selected and hired all other  
8 defendants to provide plaintiff's decedent's medical care including but not limited to a lap band  
9 procedure.

10 8. At all times herein mentioned, defendants DOES 51 through 60 and each of them, were physicians,  
11 nurses, attendants, employees, technicians, therapists, aids and non-medically oriented agents of  
12 defendants and each of them.

13 9. On or about September 8, 2011 and prior thereto and thereafter, plaintiff's decedent Paula Rojeski  
14 engaged for compensation the services of defendants, and DOES 1 through 100, and each of them,  
15 and at or about said time, defendants, and DOES 1 through 100, and each of them undertook to  
16 schedule, provide and coordinate treatment, examine, diagnose, perform surgery upon, prescribe  
17 medicine and drugs and handle and control the care and treatment of plaintiff's decedent Paula  
18 Rojeski.

19 10. In the aforesaid provision and coordination of treatment, examination, diagnosis, performance of  
20 surgery, prescription of medicines and drugs and handling and controlling of the care and treatment  
21 of plaintiff's decedent Paula Rojeski, defendants and DOES 1 through 100, and each of them were  
22 negligent and negligently failed to possess and to exercise that degree of knowledge and skill  
23 ordinarily possessed and exercised by other physicians, surgeons, hospitals, nurses, nurse  
24 anesthetists, attendants, aides, therapists, technicians and the like, in the same or similar locality  
25 under similar circumstances as the said defendants.

26 11. With respect to the duties, responsibilities and liabilities of the DOE defendants, and each of them,  
27 to plaintiff's decedent Paula Rojeski, the DOE defendants, and each of them, negligently, or in some  
28 actionable manner, referred to herein above, failed to comply with the applicable legal standard.

12. In the aforesaid handling and control of the care and treatment of plaintiff's decedent Paula Rojas, defendants, and DOES 1 through 100, and each of them, failed to appropriately advise the plaintiff's decedent, Paula Rojas, of any other possible alternative methods of diagnosis or treatment and of the possible risks attendant to the diagnosis or treatment or lack of treatments, thereby failing to obtain a free and informed consent of the plaintiff's decedent Paula Rojas.

13. As a direct and proximate result of the aforesaid negligence of defendants, and DOES 1 through 100, and each of them, plaintiff's decedent Paula Rojas died on September 8, 2011.

14. As a further, direct and proximate result of the aforesaid negligence of defendants, and DOES 1 through 100, and each of them, and the death of plaintiff's decedent, plaintiff has sustained pecuniary loss resulting from the loss of the society, care, comfort, attention, services and support of Plaintiff's decedent, all to her monetary damage.

15. As a direct and proximate result of the negligence of defendants, and DOES 1 through 100, and as a result of the death of plaintiff's decedent Paula Rojas, plaintiff has incurred funeral and burial expenses, all to her monetary damage.

#### **SECOND CAUSE OF ACTION**

**(Against All Defendants Herein For Fraud and Concealment vs All Defendants)**

16. Plaintiff recalls and incorporates by reference all paragraphs above as if set forth herein at length.

17. Upon information and belief, plaintiff alleges that defendants, and each of them, made untrue representations to plaintiff's decedent, Paula Rojas, to fraudulently induce her to undergo lap band surgery. These representations include, but are not limited to, that she was an appropriate candidate for the surgery, that the facility, Valley Surgical Center, and its employees were appropriately trained and capable of safely performing the surgery, that Valley Surgical Center had the appropriate facilities, supplies and equipment for the surgery to be performed and that the physicians who would be performing the surgery and providing anesthesia services were competent and well trained.

18. At the time that these representations were made to plaintiff's decedent, she believed that they were truthful and accurate. Relying on these representations, plaintiff's decedent agreed to the lap band procedure.

1 19. Plaintiff's decedent did not discover, and could not reasonably have been expected to discover, the  
2 fraudulent nature of the representations made by defendants and each of them.

3 20. Defendants, and each of them, knew the representations to be false, and/or that these representations  
4 were made recklessly without knowing whether the representations were true. Defendants acted with  
5 the intent to deceive and defraud plaintiff's decedent and to induce plaintiff's decedent to undergo  
6 the lap band procedure.

7 21. Plaintiff is informed and believes that following the death of plaintiff's decedent, Paula Rojascki,  
8 defendants intentionally and wrongfully misrepresented and concealed the true cause of plaintiff's  
9 decedent's death from her heir and from any and all who inquired about the death and its cause.  
10 Plaintiff is informed and believes that immediately following Ms. Rojascki's death, defendant  
11 Michael Omid, M.D. instructed Maria Abaca, RN to send drivers employed by the defendant  
12 Omidis to defendant Valley Surgical Center to remove all of the defective equipment, monitors, etc.  
13 and bring them back to the Omidis' Beverly Hills Surgery Center before the Department of Health  
14 and the L.A. County Coroner's Office showed up for an announced visit to investigate Ms. Rojascki's  
15 death. Per the orders of defendant Michael Omid, M.D.'s orders, all of the equipment which had  
16 been used during Ms. Rojascki's surgery was replaced with equipment brought from the Beverly Hills  
17 Surgery Center prior to the inspection by the Department of Health and the L.A. County Coroner's  
18 Office.

19 22. Further, plaintiff is informed and believes that following Ms. Rojascki's death, Melody Chua, the  
20 charge nurse during Ms. Rojascki's surgery showed the patient's anesthesia record and medical chart  
21 to her nursing supervisor, Dyanne Deuel which showed that Ms. Rojascki had "coded" 15 minutes  
22 prior to the time that defendant Dr. Chau had announced this critical event to the other persons in  
23 the operating room. Further, plaintiff is informed and believes that Defendants Julian Omid,  
24 Michael Omid, M.D., Cindy Omid and their agents instructed defendant Dr. Chau to falsify his  
25 anesthesia record to delete the 15 minute gap from critical event to the time defendant Dr. Chau  
26 notified others of the event.

27 23. As a proximate result of their fraudulent conduct, each defendant defrauded plaintiff's decedent,  
28 who died as a result of the performance of the lap band procedure.

24. The foregoing conduct of each defendant was an intentional misrepresentation, and was despicable conduct in conscious disregard of the rights of plaintiff's decedent herein, justifying an award of exemplary and punitive damages.

25. Under Civil Code §3294, defendants are liable for punitive damages.

WHEREFORE, Plaintiff seeks relief as set forth below.

WHEREFORE, plaintiff prays for judgment against defendants, and each of them, as follows:


**FIRST CAUSE OF ACTION:**

1. For general damages according to proof;
2. For medical, funeral and burial expenses according to proof;
3. For loss of income and financial support according to proof;
4. For prejudgment interest;
5. For costs of the suit; and
6. For such other relief as the court deems just and proper.

**SECOND CAUSE OF ACTION:**

1. For general damages according to proof;
2. For medical, funeral and burial expenses according to proof;
3. For loss of income and financial support according to proof;
4. For punitive damages according to proof;
4. For prejudgment interest;
5. For costs of the suit; and
6. For such other relief as the court deems just and proper.

Dated: 9/7/12

  
TIMOTHY M. HAMILTON  
Attorneys for Plaintiff

CM-010

|  |  |  |
|--|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><b>Timothy M. Hamilton (SB #90270)</b><br><b>WALKER, HAMILTON &amp; KOENIG LLP</b><br><b>50 Francisco Street, Suite 460, San Francisco, CA 94133-2100</b><br>TELEPHONE NO.: (415) 986-3339 FAX NO.: (415) 986-1618<br>ATTORNEY FOR (Name): <b>PLAINTIFF</b>   |  | <b>FOR COURT USE ONLY</b><br><br><b>FILED</b><br><b>SUPERIOR COURT OF CALIFORNIA</b><br><b>COUNTY OF LOS ANGELES</b><br><br><b>SEP 07 2012</b><br><br>John A. Clarke, Executive Officer/Clerk<br>BY <u><i>[Signature]</i></u> Deputy<br>(Ishtaylia Chambers) |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>LOS ANGELES</b><br>STREET ADDRESS: <b>111 N. Hills Street</b><br>MAILING ADDRESS:<br>CITY AND ZIP CODE: <b>Los Angeles, CA 90012-3014</b><br>BRANCH NAME: <b>Central District - Stanley Mosk Courthouse</b>   |  |  |
| CASE NAME: <b>Pelter, et al. v. 1-800-Get-Thin, LLC, et al.</b>  |  |  |
| <b>CIVIL CASE COVER SHEET</b><br><input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)<br><b>Complex Case Designation</b><br><input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b><br>Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) |  | CASE NUMBER:<br><b>BC 491048</b><br><br>JUDGE:<br><br>DEPT:  |

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:
- |   |  |   |
|---|--|---|
| <b>Auto Tort</b><br><input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46)<br><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b><br><input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input checked="" type="checkbox"/> Medical malpractice (45)<br><input type="checkbox"/> Other PI/PD/WD (23)<br><b>Non-PI/PD/WD (Other) Tort</b><br><input type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (08)<br><input type="checkbox"/> Defamation (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-PI/PD/WD tort (35)<br><b>Employment</b><br><input type="checkbox"/> Wrongful termination (36)<br><input type="checkbox"/> Other employment (15) | <b>Contract</b><br><input type="checkbox"/> Breach of contract/warranty (06)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (09)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37)<br><b>Real Property</b><br><input type="checkbox"/> Eminent domain/inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (33)<br><input type="checkbox"/> Other real property (26)<br><b>Unlawful Detainer</b><br><input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38)<br><b>Judicial Review</b><br><input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39) | <b>Provisionally Complex Civil Litigation</b><br>(Cal. Rules of Court, rules 3.400-3.403)<br><input type="checkbox"/> Antitrust/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)<br><b>Enforcement of Judgment</b><br><input type="checkbox"/> Enforcement of judgment (20)<br><b>Miscellaneous Civil Complaint</b><br><input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint (not specified above) (42)<br><b>Miscellaneous Civil Petition</b><br><input type="checkbox"/> Partnership and corporate governance (21)<br><input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|
2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary    b. ☐ nonmonetary; declaratory or injunctive relief    c. ☒ punitive
4. Number of causes of action (specify): **Two**
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: September 7, 2012

Timothy M. Hamilton

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

BY FAX

# ORIGINAL

|  |   |
|--|---|
| SHORT TITLE: <b>Pelter, et al. v. 1-800-Get-Thin, LLC, et al</b> | CASE NUMBER<br><div style="font-size: 1.5em; font-weight: bold; text-align: center;">BC491048</div> |
|--|---|

## CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

**Item I.** Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 10 ☐ HOURS/ ☒ DAYS

**Item II.** Indicate the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

- |   |  |
|---|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district.<br>2. May be filed in central (other county, or no bodily injury/property damage).<br>3. Location where cause of action arose.<br>4. Location where bodily injury, death or damage occurred.<br>5. Location where performance required or defendant resides. | 6. Location of property or permanently garaged vehicle.<br>7. Location where petitioner resides.<br>8. Location wherein defendant/respondent functions wholly.<br>9. Location where one or more of the parties reside.<br>10. Location of Labor Commissioner Office. |
|---|--|

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

|  | A<br>Civil Case Cover Sheet<br>Category No.                           | B<br>Type of Action<br>(Check only one)   | C<br>Applicable Reasons -<br>See Step 3 Above |
|--|---|---|---|
| Auto<br>Tort   | Auto (22)   | <input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death   | 1., 2., 4.                                    |
|  | Uninsured Motorist (46)   | <input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist  | 1., 2., 4.                                    |
| Other Personal Injury/ Property<br>Damage/ Wrongful Death Tort | Asbestos (04)   | <input type="checkbox"/> A6070 Asbestos Property Damage<br><input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death   | 2.<br>2.                                      |
|  | Product Liability (24)  | <input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)  | 1., 2., 3., 4., 8.                            |
|  | Medical Malpractice (45)  | <input checked="" type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons<br><input type="checkbox"/> A7240 Other Professional Health Care Malpractice  | 1., 4.<br>1., 4.                              |
|  | Other<br>Personal Injury<br>Property Damage<br>Wrongful Death<br>(23) | <input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)<br><input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)<br><input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress<br><input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death | 1., 4.<br>1., 4.<br>1., 3.<br>1., 4.          |
|  |   |   |   |

BY FAX



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|--|-------------|
| SHORT TITLE: <b>Pelter, et al. v. 1-800-Get-Thin, LLC, et al</b> | CASE NUMBER |
|--|-------------|

|  | <b>A</b><br>Civil Case Cover Sheet<br>Category No.      | <b>B</b><br>Type of Action<br>(Check only one)  | <b>C</b><br>Applicable Reasons -<br>See Step 3 Above                                    |        |
|--|---|---|---|--------|
| Non-Personal Injury/ Property<br>Damage/ Wrongful Death Tort | Business Tort (07)                                      | <input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)  | 1., 3.  |        |
|  | Civil Rights (08)                                       | <input type="checkbox"/> A6005 Civil Rights/Discrimination  | 1., 2., 3.  |        |
|  | Defamation (13)   | <input type="checkbox"/> A6010 Defamation (slander/libel)   | 1., 2., 3.  |        |
|  | Fraud (16)  | <input type="checkbox"/> A6013 Fraud (no contract)  | 1., 2., 3.  |        |
|  | Professional Negligence (25)                            | <input type="checkbox"/> A6017 Legal Malpractice<br><input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)  | 1., 2., 3.<br>1., 2., 3.  |        |
|  | Other (35)  | <input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort   | 2., 3.  |        |
| Employment   | Wrongful Termination (36)                               | <input type="checkbox"/> A6037 Wrongful Termination   | 1., 2., 3.  |        |
|  | Other Employment (15)                                   | <input type="checkbox"/> A6024 Other Employment Complaint Case<br><input type="checkbox"/> A6109 Labor Commissioner Appeals   | 1., 2., 3.<br>10.   |        |
| Contract   | Breach of Contract/ Warranty<br>(06)<br>(not insurance) | <input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)<br><input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)<br><input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)<br><input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence) | 2., 5.<br>2., 5.<br>1., 2., 5.<br>1., 2., 5.  |        |
|  | Collections (09)  | <input type="checkbox"/> A6002 Collections Case-Seller Plaintiff<br><input type="checkbox"/> A6012 Other Promissory Note/Collections Case   | 2., 5., 6.<br>2., 5.  |        |
|  | Insurance Coverage (18)                                 | <input type="checkbox"/> A6015 Insurance Coverage (not complex)   | 1., 2., 5., 8.  |        |
|  | Other Contract (37)                                     | <input type="checkbox"/> A6009 Contractual Fraud<br><input type="checkbox"/> A6031 Tortious Interference<br><input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)  | 1., 2., 3., 5.<br>1., 2., 3., 5.<br>1., 2., 3., 8.                                      |        |
|  |   | Eminent Domain/Inverse<br>Condemnation (14)   | <input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels _____ | 2.     |
|  |   | Wrongful Eviction (33)  | <input type="checkbox"/> A6023 Wrongful Eviction Case                                   | 2., 6. |
| Real Property  | Other Real Property (26)                                | <input type="checkbox"/> A6018 Mortgage Foreclosure   | 2., 6.  |        |
|  |   | <input type="checkbox"/> A6032 Quiet Title  | 2., 6.  |        |
|  |   | <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)   | 2., 6.  |        |
| Unlawful Detainer  | Unlawful Detainer-Commercial<br>(31)                    | <input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)  | 2., 6.  |        |
|  | Unlawful Detainer-Residential<br>(32)                   | <input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)   | 2., 6.  |        |
|  | Unlawful Detainer-<br>Post-Foreclosure (34)             | <input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure  | 2., 6.  |        |
|  | Unlawful Detainer-Drugs (38)                            | <input type="checkbox"/> A6022 Unlawful Detainer-Drugs  | 2., 6.  |        |

2-1-10/10/10

|   |             |
|---|-------------|
| SHORT TITLE:<br><b>Pelter, et al. v. 1-800-Get-Thin, LLC, et al</b> | CASE NUMBER |
|---|-------------|

|   | <b>A</b><br>Civil Case Cover Sheet<br>Category No. | <b>B</b><br>Type of Action<br>(Check only one)   | <b>C</b><br>Applicable Reasons -<br>See Step 3 Above                               |
|---|--|--|--|
| <b>Judicial Review</b>                  | Asset Forfeiture (05)                              | <input type="checkbox"/> A6108 Asset Forfeiture Case   | 2., 6.   |
|   | Petition re Arbitration (11)                       | <input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration   | 2., 5.   |
|   | Writ of Mandate (02)                               | <input type="checkbox"/> A6151 Writ - Administrative Mandamus<br><input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter<br><input type="checkbox"/> A6153 Writ - Other Limited Court Case Review  | 2., 8.<br>2.<br>2.   |
|   | Other Judicial Review (39)                         | <input type="checkbox"/> A6150 Other Writ /Judicial Review   | 2., 8.   |
|   |  |  |  |
| <b>Provisionally Complex Litigation</b> | Antitrust/Trade Regulation (03)                    | <input type="checkbox"/> A6003 Antitrust/Trade Regulation  | 1., 2., 8.   |
|   | Construction Defect (10)                           | <input type="checkbox"/> A6007 Construction Defect   | 1., 2., 3.,  |
|   | Claims Involving Mass Tort (40)                    | <input type="checkbox"/> A6006 Claims Involving Mass Tort  | 1., 2., 8.,  |
|   | Securities Litigation (28)                         | <input type="checkbox"/> A6035 Securities Litigation Case  | 1., 2., 8.,  |
|   | Toxic Tort Environmental (30)                      | <input type="checkbox"/> A6036 Toxic Tort/Environmental  | 1., 2., 3., 8.   |
|   | Insurance Coverage Claims from Complex Case (41)   | <input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)  | 1., 2., 5., 8.,  |
| <b>Enforcement of Judgment</b>          | Enforcement of Judgment (20)                       | <input type="checkbox"/> A6141 Sister State Judgment<br><input type="checkbox"/> A6160 Abstract of Judgment<br><input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)<br><input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)<br><input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax<br><input type="checkbox"/> A6112 Other Enforcement of Judgment Case | 2., 9.<br>2., 6.<br>2., 9.<br>2., 8.<br>2., 8.<br>2., 8., 9.                       |
|   | RICO (27)  | <input type="checkbox"/> A6033 Racketeering (RICO) Case  | 1., 2., 8.   |
|   | Other Complaints (Not Specified Above) (42)        | <input type="checkbox"/> A6030 Declaratory Relief Only<br><input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)<br><input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)<br><input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)  | 1., 2., 8.<br>2., 8.<br>1., 2., 8.<br>1., 2., 8.                                   |
|   | Partnership Corporation Governance (21)            | <input type="checkbox"/> A6113 Partnership and Corporate Governance Case   | 2., 8.   |
|   | Other Petitions (Not Specified Above) (43)         | <input type="checkbox"/> A6121 Civil Harassment<br><input type="checkbox"/> A6123 Workplace Harassment<br><input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case<br><input type="checkbox"/> A6190 Election Contest<br><input type="checkbox"/> A6110 Petition for Change of Name<br><input type="checkbox"/> A6170 Petition for Relief from Late Claim Law<br><input type="checkbox"/> A6100 Other Civil Petition                    | 2., 3., 9.<br>2., 3., 9.<br>2., 3., 9.<br>2.<br>2., 7.<br>2., 3., 4., 8.<br>2., 9. |
|   |  |  |  |

|  |             |
|--|-------------|
| SHORT TITLE:<br>Pelter, et al. v. 1-800-Get-Thin, LLC, et al | CASE NUMBER |
|--|-------------|

**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

|  |                     |  |  |
|--|---------------------|--|--|
| <b>REASON:</b> Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.<br><br><input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. |                     | <b>ADDRESS:</b><br>9001 Wilshire Blvd., Suite 106<br>Beverly Hills, CA 90211 |  |
| <b>CITY:</b><br>Beverly Hills  | <b>STATE:</b><br>CA | <b>ZIP CODE:</b><br>90211  |  |

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: September 9, 2012

  
(SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.